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Subject: Comments on electronic access of references

The private PAIR system has been very unreliable in our experience. We have experienced problems in that not all applications filed have been associated with our customer number in the PAIR system even though the same filing procedure is used. Consequently, we have not been able to check the progress of our filings for each case with any measure of certainty. Several of us have brought this to the attention of the uspto at various times with no success in correcting the situation. When we have electronically checked the listing of files under our customer number, the listing of paired application is significantly incomplete.

If this continues to be a problem, it would be an impass to successfully using the private PAIR system to access the references. It would require the practitioner or the sole inventor to have to resort to using the regular uspto cite, printing laboriously one page at a time, which if the patent is lengthy is impractical. If the user has to pay a service to provide copies of a patent, they now incur costs that can get relatively expensive. This would further result in delays in the time to respond to office actions while the references are being obtained, which could in some cases affect possible patent term extensions.

Suggestions if this procedure is to be implemented.

1. When an office action is sent out, why not have someone at the uspto ensure that the customer number in the privately accessible PAIR database has in fact been paired up with the attorney of record (or inventor or person) to whom the correspondence is directed.

2. Why not institute the ability to print all pages of the entire patent from the uspto site as a document instead of the page by page method?

3. If a file has not been paired up with the users customer number, will the attorney of record be able at least to access the references, after an application has been published? What happens if a non-publication request has been filed in a case and the case has not been paired with the customer number in the private PAIR system.

4. We have also experienced situations where the user's automatic "direct" access to the private PAIR system has been inadvertently disabled. Once the user has a PKI certificate, how can they reactivate the automatic access again in that situation? Is there any way a user who has already received a PKI can check the file status and/or reference from any computer (i.e., the present system is not transportable, or is it?, and if so, how does one do this?)?

Regards,

D. Kenney

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